UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/629,036	07/31/2000	Peter Tenereillo	CISCP661	4736

26541	7590	03/04/2004

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EXAMINER
BOUTAH, ALINA A

ART UNIT	PAPER NUMBER
2143	6

DATE MAILED: 03/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/629,036	TENEREILLO, PETER
	Examiner	Art Unit
	Alina N Boutah	2143

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 July 2000*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-17* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *31 July 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a)☐ All   b)☐ Some * c)☐ None of:
   1.☐ Certified copies of the priority documents have been received.
   2.☐ Certified copies of the priority documents have been received in Application No. _____.
   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date *4*.
4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 15 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification fails to disclose a "proxy server." Applicant is hereby requested to point out exactly where in the specification this limitation is taught.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitation "the group" in line 2 of page 25. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
patent by another filed in the United States before the invention by the applicant for patent, except that an
international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
subsection of an application filed in the United States only if the international application designated the United
States and was published under Article 21(2) of such treaty in the English language.

Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,445,704

issued to Howes et al. (hereafter Howes).

The applied reference has a common assignee with the instant application. Based upon

the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C.

102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37

CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the

inventor of this application and is thus not the invention "by another," or by an appropriate

showing under 37 CFR 1.131.

Regarding claim 1, Howes teaches a method for providing a persistent connection

between a client and a real server, the method comprising:

receiving a request originating from a client for connection to a virtual server (col. 1, line

60 - col. 2, line 9);

selecting a real server associated with the virtual server for connection with the client

based on a natural class of an IP address of a device sending the request (abstract; col. 3, lines

19-25, and lines 40-49; col. 4, lines 47-65; col. 5, line 25 to col. 6, line 32); and

forwarding to the selected real server transmissions originating from the client (abstract).

Regarding claim 2, Howes teaches the method of claim 1 wherein selecting a real server comprises selecting the same real server for all clients having the same natural class subnet (col. 6, lines 9-11).

Regarding claim 3, Howes teaches the method of claim 1 wherein receiving a request comprises receiving a request from a firewall and wherein the IP address of the device is the IP address of the firewall (col. 1, line 60 – col. 2, line 3).

Regarding claim 4, Howes teaches the method of claim 1 wherein the request is an HTTP request (col. 4, lines 47-51).

Regarding claim 5, Howes teaches the method of claim 1 wherein receiving a request comprises receiving a request at a local director (figure1, 200).

Regarding claim 6, Howes teaches a computer program product for providing a persistent connection between a client and a real server, the product comprising:

code that receives a request originating from a client for connection to a virtual server (col. 1, line 60 - col. 2, line 9);

code that selects a real server associated with the virtual server for connection with the

client based on a natural class of an IP address of a device sending the request (abstract; col. 3,

lines 19-25, and lines 40-49; col. 4, lines 47-65; col. 5, line 25 to col. 6, line 32);

code that forwards to the selected real server transmissions originating from the client;

and a computer-readable storage medium for storing the codes (abstract).

Regarding claim 7, Howes teaches a computer program product wherein the computer

readable medium is selected from the group consisting of CD-ROM, floppy disk, tape, flash

memory, system memory, hard drive, and data signal embodied in a carrier wave (figure 10).

Regarding claim 8, Howes teaches the computer program product of claim 6 wherein the

code that selects a real server comprises code that selects the same real server for all clients

having the same natural class subnet (col. 6, lines 9-11).

Regarding claim 9, Howes teaches the computer program product of claim 6 wherein the

code that receives a request comprises code that receives a request from a firewall and wherein

the IP address of the device is the IP address of the firewall (col. 1, line 60 – col. 2, line 3).

Regarding claim 10, Howes teaches a computer system for providing a persistent

connection between a client and a server, the system comprising:

a virtual server (figure 1, 112); and

a processor for selecting one of a plurality of real servers for connection to a client only

on a natural class of an IP address of a device sending a request from the client connection to the

virtual server (figure 1, 200; abstract; col. 3, lines 19-25, and lines 40-49; col. 4, lines 47-65; col.

5, line 25 to col. 6, line 32).

Regarding claim 11, Howes teaches the computer system of claim 10 further comprising

a forwarding agent configured to forward transmissions originating from the client to the

selected real server (figure 1; abstract).

Regarding claim 12, Howes teaches the computer system of claim 10 further comprising

a server load balancer (abstract; col. 3, lines 19-25, and lines 40-49; col. 4, lines 47-65; col. 5,

line 25 to col. 6, line 32).

Regarding claim 13, Howes teaches the computer system of claim 10 wherein the device

is a firewall (col. 1, line 60 – col. 2, line 3).

Regarding claim 14, Howes teaches the computer system of claim 10 wherein the device

is a router (figure 1, 104).

Regarding claim 15, Howes teaches the computer system of claim 10 wherein the device

is a proxy server (col. 1, line 60 – col. 2, line 3).

Regarding claim 16, Howes teaches a system for directing flow between a client and two

or more real servers, the system comprising:

means for receiving a request originating from a client for connection to a virtual server

(col. 1, line 60 - col. 2, line 9);

means for selecting a real server associated with the virtual server for connection with the

client based on a natural class of an IP address of a device sending the request (abstract; col. 3,

lines 19-25, and lines 40-49; col. 4, lines 47-65; col. 5, line 25 to col. 6, line 32); and

means for forwarding to the selected real server transmissions originating from the client

(figure 1; abstract).

Regarding claim 17, Howes teaches the system of claim 16 wherein means for selecting a

real server for connecting with the client comprises selecting the same real server for all clients

having the same natural class subnet (col. 6, lines 9-11).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

1.   USPN 6,473,802 issued to Masters.

2.   USPN 5,774,660 issued to Brendel et al.

3.   USPN 6,549,516 issued to Albert et al.

4.   USPN 6,272,523 issued to Factor.

5.   USPN 6,665,702 issued to Zisapel et al.

6.   USPAPN 2001/0049741 by Skene et al.

7.   USPAPN 2001/0047415 by Skene et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alina N Boutah whose telephone number is (703) 305-5104. The examiner can normally be reached on Monday-Thursday (9:00 am-7:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (703) 308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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